

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT JOSEPH MCCARTY,
Plaintiff,
v.
JOHN V. ROOS, et al.,
Defendants.

2:11-CV-1538 JCM (RJJ)

ORDER

Presently before the court is defendants John Roos and Joseph Koen's revised motion for extension of time to reply to plaintiff's oppositions to defendants' motions to dismiss (doc. # 81 and 82). (Doc. # 88).

Defendants assert that counsel responsible for this matter is scheduled to be out of town for a work-related obligation around the time the reply briefs are due. (Doc. # 88, 3:6-10). Further, defendants state that counsel's demanding work schedule over the month interferes with her attention to this matter. (Doc. # 88, 3:6-10).

Defendants also note plaintiff's refusal to agree to this extension. Defendants represent that plaintiff is concerned about waiving any rights and that plaintiff pointed out that the delay is unrelated to issues presented in this case. (Doc. # 88, 2:18-20). While plaintiff is certainly entitled to protect his rights throughout these proceedings; it is not clear how an extension in time prejudices plaintiff.

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1 || Good cause appearing,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' revised motion
3 for extension of time (doc. # 88) be, and the same hereby is, GRANTED. In fairness plaintiff shall
4 have up to, and including September 18, 2012, to respond to defendant's motion to dismiss
5 individual capacity claims (doc. # 82). Further, plaintiff may, if he so chooses, file an amended
6 response to defendants' motion to dismiss official capacity claims (doc. # 81) also by September 18,
7 2012. Defendants shall have up to, and including, October 2, 2012, to file replies to plaintiff's
8 responses; this date shall remain in effect regardless of the date plaintiff files his responses to
9 defendants' motions to dismiss.

IT IS FURTHER ORDERED that defendants previous motion to extend the briefing schedule (doc. # 86) be, and the same hereby is, moot by the filing of this revised motion.

12 DATED September 10, 2012.

Xenos C. Mahan
UNITED STATES DISTRICT JUDGE